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ONDCP FOR JOHN WALTERS, PATRICK WARD, AND RICHARD O'CONNOR

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SUBJECT: DRUG CZAR WALTERS DISCUSSES PEACE AND JUSTICE LAW
WITH COLOMBIAN PROSECUTOR GENERAL

Summary

11. (SBU) Summary. On November 9, 2005, ONDCP Director John P. Walters met with Prosecutor General Mario Iguaran Arana and several members of his staff. During the hour-long meeting the two expressed their appreciation for the cooperation that both countries have shown each other in their mutual fight against drug trafficking, efforts to dismantle foreign terrorist organizations, and campaign to carry out aerial and manual eradication. Director Walters stressed the need for successful implementation of the Justice and Peace Law. End summary.

12. (SBU) In attendance from the U.S. delegation were Director Walters; Patrick Ward, ONDCP Assistant Deputy Director; Richard O'Connor, ONDCP Colombian Analyst; Julie Gianelloni Connor, NAS Director; Paul Vaky, DOJ/JSRP Director; Alberto Rodriguez, NAS; Paul Dever, NSA; and note taker Jerold McMillen, DOJ Justice Attache. In attendance from the Colombian delegation were Prosecutor General Iguaran; Jorge Otalora Gomez, Vice Prosecutor General; Janny Jalal Espitia, National Director of the Fiscalia; Luis Gonzalez, Director of the Fiscalia's new Justice and Peace Unit; Maria Fernanda Cabal Molina, new Director of the Fiscalia's International Relations Office; Ivan Ariza, new Director of the Fiscalia's Narcotics and Maritime Interdiction Section; Sara Magnolia Salazar Landinez, the new Director of the Fiscalia's Money Laundering and Asset Forfeiture Section; and Jaime Lopez, the new Director of the Fiscalia's Technical Investigation Unit (CTI).

13. (SBU) Prosecutor General Iguaran opened the meeting held in his office by welcoming Director Walters and the rest of the U.S. delegation and then introducing his Colombian delegation. In his welcoming remarks, Iguaran emphasized that he and his staff are well aware of the damage that drug trafficking has caused in both countries and are all committed to continuing to work with their U.S. partners to fight the problem.

14. (SBU) Director Walters then thanked Iguaran for his warm welcome and congratulated him for his recent appointment as the new Prosecutor General of Colombia, commenting on Iguaran's distinguished legal record and lengthy service to

the government. Director Walters then noted Colombia's important progress and commitment to the "rule of law" and its recent change to an accusatory criminal justice system. Director Walters further stated that Colombia is a positive example to the world and thanked the group and Colombian government for their efforts in maintaining our close law enforcement partnership and for their courage and efforts in developing democratic institutional structures and fighting crime despite the many difficulties and challenges that Colombia faces.

15. (SBU) Iguaran stated that Director Walter's comments and visit inspire him and his staff to maintain Colombia's law enforcement and extradition relationship with this United States. He stated that the Fiscalia had no intent to move backward in its relationship with the various U.S. law enforcement partners, such as the Department of State and the Department of Justice. Iguaran also specifically mentioned that he and his staff will continue to demonstrate their commitment to working closely with the FBI, DEA, and other law enforcement agencies on bi-lateral case initiatives and operations, which he believes sends a powerful message to criminals. Furthermore, he stated that Colombia's new criminal justice system will make it easier to conduct more effective undercover investigations. He also expressed his appreciation for the United States' support of their successful aerial and manual eradication programs.

16. (SBU) Director Walters responded that the eradication efforts in the region have resulted in a 30 percent decrease in cocaine production. He noted that the United States also has domestic eradication programs, such as in California and Hawaii; as a result, the United States is aware that such programs are sometimes controversial. However, the programs

are necessary, and every effort is made to minimize any environmental damage that such programs might cause. He further stated that the AUC and other illegal organizations have over-produced cocaine and flooded the market. But our combined eradication, interdiction, and prosecutorial efforts have also directly resulted in the increased prices of cocaine in the world markets. Director Walters stressed that the United States is equally concerned with combining our efforts in taking away the illicit wealth of drug traffickers.

Discussion of Justice and Peace Law

17. (SBU) Director Walters underscored that for Colombia to be successful in implementing its new Justice and Peace Law, it is critical that the Fiscalia, in a transparent manner, make the AUC members fully confess their crimes and forfeit the illicit wealth. Director Walters went on to explain how other countries and governments of the world, for instance Mexico, surely envy the historic opportunity now facing Colombia to rid itself of the criminal organizations that control their countries and institutions. Director Walters stated that the United States believes in Iguaran's leadership, and we are committed to helping him and the Fiscalia to seize this historic opportunity to change Colombia for the better.

18. (SBU) Iguaran responded that as far as the Fiscalia is concerned it is clear that the new Justice and Peace Law will not effect extradition. He further stated the Fiscalia is prepared to demonstrate that the Justice and Peace Law will not be used to give sanctuary to those individuals who are not really members of illegally armed organizations, but are really nothing more than criminals organized to traffic drugs. He specifically stated, "we will not let people take advantage of the law," promising the Justice and Peace Law will be limited only to eligible people and crimes.

19. (SBU) Iguaran then explained that the Fiscalia is working diligently to develop a special unit in the Fiscalia to investigate and prosecute cases under the Justice and

Peace Law. Toward that end, the Fiscalia is working with other governmental entities to develop a comprehensive computerized system to store and cross-reference information developed during the course of their investigations. He stated their investigations will not simply rely on the confessions of demobilized members; instead, they will do their best independently to investigate their crimes and illegal assets. As to investigations into illicit assets, Iguaran stated it will be difficult to fully identify and recover the assets because most of the AUC's assets have been converted into other types of assets or placed in the names of third parties. He also stated that demobilized members have expressed a willingness to be punished with a term of imprisonment, but it is less clear they are as willing to forfeit their assets. However, Iguaran commented, "we must find a way to deal with this as well."

¶10. (SBU) Director Walters stated that in the United States we have also experienced the lengths to which criminals will go to protect their assets, and we have found that they will often convert properties into other assets, place properties in third party names, provide false information, and intimidate others not to cooperate in investigations. He also recognized that forfeiture investigations and proceedings are often time consuming, complex, and difficult.

But he encouraged Iguaran to try his best to find a way to make the proceedings under the Justice and Peace Law transparent, efficient, and effective. In particular, Director Walters noted the importance of developing the Fiscalia's specialized Justice and Peace Unit to include, at least partially, with capable and trained financial crimes and asset forfeiture experts. Finally, Director Walters stated that he was confident that with Iguaran's oversight and leadership the unit would be successful and that the United States government is prepared to help them by providing technical assistance to the unit.

¶11. (SBU) The meeting then concluded with everyone thanking each other for their attendance and for their continued collaboration on the above areas of mutual concern and interest.

¶12. (U) The text of this cable has been cleared by John P. Walters, ONDCP.
DRUCKER